

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown  
classification; PHOENIX DIGITAL GROUP  
LLC, an Arizona limited liability company;  
JEFFREY CONWAY, an individual; DAVID  
SCHAEFER, an individual; JORDAN GREEN,  
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DECLARATION OF PHILIP P.  
MANN IN SUPPORT OF  
DEFENDANTS' RENEWED  
MOTION FOR JUDGMENT AS  
A MATTER OF LAW AND/OR  
FOR A NEW TRIAL**

**Note on Motion Calendar:  
August 2, 2024**

**Oral Argument Requested**

I, Philip P. Mann, under penalty of perjury under the laws of the United States, state  
and declare as follows:

1. I am counsel for all Defendants in the above captioned matter.
2. Attached as Exhibit A is a true and correct copy of Plaintiff Bungie, Inc.'s July 25, 2022 response to Defendants' Documents Requests 1-4 requesting that Bungie produce, "A true and correct copy of the source code for the 'Destiny 2' work identified in" the four works Bungie alleges have been copied by Defendants.
3. Attached as Exhibit B is a true and correct copy of Plaintiff Bungie, Inc.'s July 25, 2022 Answer to Defendants' Interrogatory No. 1 requesting that Bungie, "Identify by specific reference, (e.g., page and line number) to any documents

produced by Bungie in response to Phoenix Digital's Document Interrogatories Nos. 1-4, served June 23, 2022, any and all portions of the "Destiny...computer software code" that you contend have been "copied" by Defendants as alleged in Paragraph 105 of the Amended Complaint filed May 19, 2022..

4. Attached as Exhibit C is a true and correct copy of the May 24, 2024 PARTIES' COMBINED REVISED TRIAL EXHIBIT LIST (DKT#300) listing all exhibits admitted into evidence during the May 20-24, 2024 trial in this matter.
5. Attached as Exhibit D is a true and correct copy of excerpts from the trial transcript from day 2 of the trial (May 21, 2024).
6. Attached as Exhibit E is a true and correct copy of excerpts from the trial transcript from day 3 of the trial (May 22, 2024).
7. Attached as Exhibit F is a true and correct copy of excerpts from the trial transcript from day 4 of the trial (May 23, 2024).
8. Bungie's Document No. BUNGIE\_WDWA 0000409 (TX-56) was first produced to me on July 25, 2022. I shortly thereafter provided a copy of it to Mr. May. Prior to July 25, 2022, neither I nor Mr. May had any basis for realizing Mr. May had a potential counterclaim against Bungie.

Dated July 10, 2024.

/s/ Philip P. Mann  
Philip P. Mann